

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

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DIVISION PRO TEM B

HON. WARREN R. DARROW

By: Robin Gearhart  
Judicial Assistant

SANDRA K MARKHAM, Clerk  
By: SHEETAL PATEL

CASE NUMBER: P1300CR201001325

Date: November 16, 2011

TITLE:

COUNSEL:

STATE OF ARIZONA

Jeffrey Paupore, Esq.  
Steven A. Young, Esq.  
Deputy Yavapai County Attorneys

(Plaintiff)

(For Plaintiff)

vs.

STEVEN CARROLL DEMOCKER

✓ Craig Williams, Esq.  
DeRienzo & Williams  
3681 N. Robert Rd.  
Prescott Valley, AZ 86314

✓ Greg Parzych, Esq.  
2340 W. Ray Road, Suite One  
Chandler, AZ 85224

(Defendant)

(For Defendant)

**RULING ON MOTION TO MODIFY RELEASE CONDITIONS**

The Court has considered the Defendant's Motion to Modify Release Conditions and the State's Response. No reply has been submitted. Although the parties did not specifically request an evidentiary hearing or oral argument, defense counsel's "Report to the Court" clearly indicates that a hearing is anticipated.

This Court has previously expressed its concern over placing someone in solitary confinement for a prolonged period of time and has observed that at some point this type of condition, especially in the context of pretrial custody, could raise serious constitutional issues. As the State concedes in its Response, a court's duty to protect the constitutional rights of incarcerated defendants supersedes its obligation to defer to principles of separation of powers.

The Court concludes, however, that the defense has not made a showing, either factually or legally, that the specific conditions imposed on Defendant DeMocker implicate constitutional concerns. While courts can engage in purely legal research, they obviously are not permitted to conduct factual investigation regarding specific aspects of a case or regarding such matters as the effects of various degrees of solitary confinement. Thus, the Court concludes that, based on the information provided, a hearing is not warranted. However, the State is urged to examine this matter closely in order to ensure that reasonable, humane conditions of custody are in place and to ensure that the Defendant's Sixth Amendment rights, including the right to a fair trial, are honored.

For the reasons set forth above,

**IT IS ORDERED denying** the Motion to Modify Release Conditions without prejudice.

**DATED** this 16<sup>th</sup> day of November, 2011.

  
**HONORABLE WARREN R. DARROW**  
**Judge of the Superior Court**

cc: & Honorable David L. Mackey, Presiding Judge – Division 1

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